

E-FILED on 6/19/07IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAMBUS INC.,

No. C-05-00334 RMW

Plaintiff,

ORDER REGARDING RIGHT TO FILE AN  
AMENDED ANSWER AND  
COUNTERCLAIM

v.

**[Re Docket No. 167]**HYNIX SEMICONDUCTOR INC., HYNIX  
SEMICONDUCTOR AMERICA INC.,  
HYNIX SEMICONDUCTOR  
MANUFACTURING AMERICA INC.,SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC., SAMSUNG SEMICONDUCTOR, INC.,  
SAMSUNG AUSTIN SEMICONDUCTOR,  
L.P.,NANYA TECHNOLOGY CORPORATION,  
NANYA TECHNOLOGY CORPORATION  
U.S.A.,

Defendants.

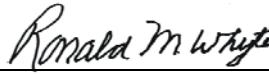
Plaintiff Rambus Inc. ("Rambus") has filed a proposed order to dismiss with prejudice the third counterclaim by defendants Nanya Technology Corporation and Nanya Technology Corporation U.S.A. ("Nanya"). Nanya filed its answer and counterclaims in this action on July 18,

1 2005. It has not filed any amendments to its pleadings and Rambus has not answered the  
2 counterclaims. On June 15, 2006 the court stayed this case.

3       The court previously heard oral argument on Rambus's motion to dismiss Nanya's third  
4 counterclaim. Although a final order has not been issued, the court had tentatively ruled to grant  
5 Rambus's motion without prejudice. Rambus submits that the counterclaim should be dismissed  
6 with prejudice because Nanya has not yet amended its counterclaim. However, because a final order  
7 has not yet issued, there is not yet a court ordered due date for an amended complaint. Moreover,  
8 Nanya has a right to amend its counterclaims pursuant to Fed. R. Civ. P. 15(a) without leave of  
9 court. The court notes that by letter dated May 29, 2007, Nanya has indicated that it intends to file  
10 an amended answer and counterclaim in this action.

11       Accordingly, Rambus's proposed order dismissing Nanya's third counterclaim with prejudice  
12 is denied.

13  
14 DATED: 6/18/07

  
15 RONALD M. WHYTE  
16 United States District Judge

1 Notice of this document has been electronically sent to:

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Dated: 6/19/07

SPT  
Chambers of Judge Whyte